

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JANE DOE, as next friend of her sister,
T.D., a minor,)
Plaintiff,)
v.) No. 3:04-CV-467
TODD JOHNSTON, et al.,) No. 3:04-CV-491
Defendants.) (Phillips)

ORDER

Defendants have moved to dismiss this action for failure to prosecute [Doc. 30]. Plaintiffs were ordered to show cause in writing on or before May 23, 2008, why this action should not be dismissed. In response Ralph Harwell, appearing on behalf of plaintiff's counsel of record Herbert Moncier, filed a response asking the court to hold this case in abeyance pending the resolution of a motion to stay disciplinary suspension filed on Mr. Moncier's behalf before Chief District Judge Collier (on April 29, 2008, Chief Judge Collier suspended Mr. Moncier from the bar of this court).

Subsequent to the filing of the motion by Mr. Harwell, Chief Judge Collier denied Mr. Moncier's motion to stay the disciplinary suspension on May 16, 2008. Accordingly, the motion by Mr. Harwell to hold this case in abeyance pending the resolution of the motion to stay disciplinary suspension is **DENIED AS MOOT**.

This matter is set for trial on June 2, 2008. The plaintiffs will be allowed **sixty (60) days** within which to obtain new counsel to represent them in this matter. The trial of June 2, 2008 and the final pretrial conference scheduled for May 27, 2008 are hereby **CANCELED** to be reset at a later date.

Mr. Moncier is **DIRECTED** to give notice to his clients that they must obtain new counsel within **sixty (60) days** or notify the court that they are proceeding *pro se*.

ENTER:

s/ Thomas W. Phillips
United States District Judge